

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6997

BILL NUMBER: HB 1416

NOTE PREPARED: Apr 6, 2011

BILL AMENDED: Apr 5, 2011

SUBJECT: Credit Time and Discharge of Long-Term Inmates.

FIRST AUTHOR: Rep. McNamara

FIRST SPONSOR: Sen. Waterman

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: (Amended) This bill has the following provisions:

- A. *Credit Time* – It provides that, for an imprisoned person to earn credit time for successfully completing the requirements for a high school diploma through correspondence courses, each correspondence course must be approved in advance by the Department of Correction.
- B. *Discharge of Long-Term Inmates* – It specifies that a period of confinement is consecutive even if an inmate was released on the basis of an erroneous court order, and requires the Department of Correction to identify an offender to the parole board and provide certain information if the offender has been consecutively confined for 21 to 25 years, depending on the amount of educational credit time earned by the offender.

Effective Date: July 1, 2011.

Explanation of State Expenditures: *Credit Time* – This bill could reduce the time that Department of Correction (DOC) staff must devote to challenging earned credit time claims by some offenders in court.

DOC reports that offenders are attempting to buy diplomas from out-of-state correspondence schools and claiming earned credit time. When DOC denies the credit time, the offenders will file lawsuits against the state. DOC staff and staff in the Office of the Attorney General must then respond in writing and appear in court in defense of DOC's decision to deny any earned credit time for these claims. This bill would specify that correspondence courses must be accredited by the Department of Education in the state where the entity is located.

DOC reports that in CY 2010 it was involved in 110 civil cases in which offenders claimed earned credit time

after receiving diplomas from unaccredited correspondence programs and then sued the state.

(Revised) *Discharge of Long-Term Inmates* – This provision could reduce expenditures for the DOC. LSA found 595 offenders in DOC facilities who would be incarcerated for at least 22 years on July 1, 2011. The amount of credit time accrued was not currently available.

Since this bill would affect a limited number of offenders, LSA assumes an annual cost of \$12,775 per offender to represent any potential savings. Since DOC adult facilities are generally at full capacity, a percentage of offenders are confined in county jails for part or all of their terms of incarceration. DOC pays county sheriffs \$35 per day (annual cost of confinement would be \$12,775) for each offender who is sentenced for a felony. If fewer long-term offenders are in DOC facilities, DOC may be able to transfer more offenders to DOC facilities.

(Revised) *Background* – IC 11-13-3-2 applies to offenders who have been sentenced prior to 1977 and are confined indefinitely. Currently, these offenders would not be eligible for parole. If the exception is made for these offenders, then the Parole Board would review their records. The Parole Board would determine whether the inmate has been rehabilitated and has suitable plans that would warrant discharge from custody.

Prior to a hearing, the Parole Board would order an investigation of the offender and collect the following information (IC 11-13-3-3(b)):

- (1) reports regarding the person's medical, psychological, educational, vocational, employment, economic, and social condition and history;
- (2) official reports of the person's history of criminality;
- (3) reports of earlier parole or probation experiences;
- (4) reports concerning the person's present commitment that are relevant to the parole release determination;
- (5) any relevant information submitted by or on behalf of the person being considered; and
- (6) such other relevant information concerning the person as may be reasonably available.

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of Correction; Office of the Attorney General; Parole Board

Local Agencies Affected: Trial courts, local law enforcement agencies

Information Sources: Tim Brown, John Nally Department of Correction; Offender Information System, DOC

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